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RUEHGB/AMEMBASSY BAGHDAD 0153
RUEHKB/AMEMBASSY BAKU 0006
RUEHBK/AMEMBASSY BANGKOK 8515
RUEHBJ/AMEMBASSY BEIJING 5368
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SUBJECT: MEETING LEAHY AMENDMENT REQUIREMENTS IN INDONESIA

REF: STATE 89639

¶1. (SBU) This is an Action Request. Please see para 11.

¶2. (SBU) SUMMARY: Post trained close to 2000 members of the Indonesian military and police in 2007 who were subject to Leahy Amendment human rights vetting. Post faces a central

problem with current interpretations of the Leahy Amendment: although the political-military thrust of U.S. policy is to use the re-establishment of relations with Indonesian military and security services to build a strong ally in the war on terror, we are prohibited from training security forces who manage Indonesia's response to direct threats. The second goal of engagement is to promote security sector reform here, yet the U.S. is unable to train members of the military or police even when many of those are not charged with gross human rights violations. Post recommends finding a way to allow younger members of the police and military to receive U.S. training, which includes establishing a time limit after which members of a tainted unit can be trained.

END SUMMARY.

CURRENT PROCEDURES

¶3. (SBU) According to current guidelines, all training of security forces that is funded by the Foreign Operations Assistance Act or the Defense Appropriations Act is subject to the human rights vetting requirements of their respective Leahy Amendments. For each proposed trainee, Embassy Jakarta conducts a name check of available data bases and open sources. If the name check reveals credible allegations that the individual was responsible for gross violations of human rights, he/she is ineligible for training. Under new vetting rules, if the individual's current unit of assignment has a record of responsibility for gross violations of human rights, as previously determined by decisions of the Department of State, then any individual currently assigned to that unit will be ineligible for training.

BACKGROUND

¶4. (SBU) For the Indonesian military, the Ministry of Defense maintains a centralized personnel system that facilitates access to name check information. In addition, training programs are identified and agreed well in advance through semiannual defense discussions. For the Indonesian National Police, which has over 350,000 members serving on 6,000 separate islands, there is no centralized personnel system. The police require significantly longer to obtain the names and data on each trainee. Of the training subject to Leahy Law requirements, Department of Defense programs included 342 individuals in 2007 (45 of these under IMET); Department of State programs included 1,652 individuals in ¶2007.

¶5. (SBU) In 2005 the Secretary ended a 13-year embargo on security cooperation with Indonesia, and in 2007 President Bush told President Yudhoyono that the United States wanted to increase security cooperation. Embassy Jakarta has taken every precaution to ensure that no perpetrator of gross violations of human rights receives U.S. training assistance. Nevertheless, implementation of the Leahy Amendment has prevented cooperation with several of the units most crucial for USG interests due to their responsibility for past human rights violations. For events from 2005 onward, these forces have not been the object of credible allegations of gross violations of human rights.

MILITARY

¶6. (SBU) For trainees serving in the Indonesian military, most vetting can take place quickly. The most credible allegations of gross violations of human rights concern incidents that occurred ten years ago in East Timor and during the instability that accompanied the fall of Suharto, although some incidents took place since then. It is relatively easy to scan available databases for allegations relating to individuals and to identify those units that are alleged to have been involved. Most of those individuals against whom there have been specific allegations have retired or are now too senior to qualify for USG-funded training. Under the new rules, however, younger officers,

who were not in service at the time of the human rights violations, will be denied training if they are currently serving in a unit that had at one time been implicated.

POLICE

¶7. (SBU) Regarding the police, the situation is similar. In the four years that we have records of vetting trainees individually, including information from service records that would have indicated prior service in a unit implicated in gross violations of human rights, fewer than three percent of those vetted served in locations at times when police allegedly committed gross human rights violations. Under the current procedures, however, those currently serving in units accused of prior violations will be barred, without recourse, even though the specific trainee may not even have been in service at the time of the violation.

¶8. (SBU) Embassy Jakarta has a full record of individuals cleared by the Department for training, which provides authoritative guidance on which units in either the police or the military have had members cleared for training on the basis of their membership in that unit. Embassy Jakarta will follow that record in vetting.

WHAT ARE THE PROBLEMS?

¶9. (SBU) The central problem with current vetting procedures is that the main political-military thrust of U.S. policy is to use the re-establishment of relations with Indonesian military and security services to build a strong ally in the war on terror. The police and military are structured in a way that each has an elite force that manages crises and counters direct threats to security of the state. The military's elite force is KOPASSUS, the 5,000-member Army special forces, many of whom are in the UN Peacekeeping force in Lebanon. The police's elite force is BRIMOB, the 32,000-member Mobile Brigade with a direct role in protecting embassies, countering terrorism, human trafficking, narcotics, intellectual property rights violations, and environmental crimes. Mobile Brigade is also heavily involved in disaster response, which is one of our largest training programs, and will supply 70 percent of the peacekeepers scheduled to deploy to Darfur in September. The current interpretation of the Leahy amendment impedes - at times, prevents - training of those forces most critical to the achievement of U.S. policy objectives in Indonesia.

RECOMMENDATIONS

¶10. (SBU) Embassy Jakarta proposes the following options as a way forward to ensure that no violators of human rights receive U.S. training while also training the forces engaged in promoting important U.S. policies. First, establish a time limit for units after which a unit charged with past violations can again be trained; five years would seem to be reasonable period. Second, allow individual members of a unit associated with human rights violations to be "vetted clean"; if a database scan and review of a full service record revealed no credible evidence of violations by that individual, he/she would be eligible for USG-funded training. This approach would encourage the internal reform within units that previously had problems. Specifically, we need to train younger members of the police and military, who were not even in the service at the time of the violations, to drive internal reforms. This change is essential to our ability to promote reform of Indonesia's security forces.

ACTION REQUEST

¶11. (SBU) Mission requests policy-level Department consideration of the recommendations mentioned above to permit continuation of robust security-sector training in key areas of U.S. foreign policy interest.

